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In re Application of :  
KOEHLER, Ralf et al. :  
Application No.: 10/533,060 : DECISION  
PCT No.: PCT/US03/34837 :  
Int. Filing Date: 30 October 2003 : ON REQUEST UNDER  
Priority Date: 30 October 2002 :  
Attorney's Docket No.: UCIVN-020US : 37 CFR 1.497(d)  
For: COMPOUNDS, METHODS AND ... :  
BLOOD VESSEL WALLS :

This decision is in response to "Renewed Submission Under 37 CFR 1.497(d)," filed in the United States Patent and Trademark Office on 20 November 2006.

**BACKGROUND**

On 20 September 2006, the Office mailed Decision On Request, refusing applicants' request under 37 CFR 1.497(d).

On 20 November 2006, applicants submitted this renewed submission under 37 CFR 1.497(d).

**DISCUSSION**

Applicants request to delete Michael D. Cahalan as an inventor.

A request under 37 CFR 1.497(d) requires: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in §1.17(i); (3) the written consent of the assignee, if an original named inventor has executed an assignment and (4) any new oath or declaration required by paragraph (f).

Item (2) was previously satisfied. Item (4) is not applicable.

Item (1) has been satisfied. Item (3) has not been satisfied. Applicants have not complied with 37 CFR 3.73(b).

The declaration of the inventors is defective. New oaths or declarations in compliance with 37 CFR 1.497(a)-(b) are required.

Placing an "x" on a signature line can be an execution. There is no requirement that a signature be made in any particular manner. MPEP 605.04(a). Applicant does not argue that the "x" is the mark of the inventor. This is at best an impermissible non-initialed, non-dated alteration. The MPEP states "it is improper for anyone, including counsel, to alter, rewrite, or partly fill in any part of the application, including the oath or declaration, after execution by the applicant," and further states "the Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration, but will require a new oath or declaration." MPEP 605.04(a). Additionally, any changes made in ink must be initialed and dated.

### CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

A proper response including a declaration in compliance with 37 CFR 1.497(a)-(b) must be filed within TWO (2) MONTHS from the mail date of this decision. The submission should be entitled "Renewed Submission Under 37 CFR 1.497(d)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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